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Syracuse DA, police chief: We won't target gun owners under new law, but will take guns

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Onondaga County District Attorney William Fitzpatrick unveils his plan in response to the state's new gun-control measures. He's joined by other law enforcement, including Syracuse Police Chief Joe Cecile (to the DA's immediate left) and Onondaga County Police Chief's Association President Michael Crowell, of Manlius.

By **Douglass Dowty | ddowty@syracuse.com**

NEW!

Syracuse, NY -- Onondaga County gun owners who run afoul of the state's new gun law likely won't face criminal charges, but will not get a free pass either, the county's top law enforcement officials said Friday.

Violators will have their weapons confiscated while prosecutors investigate any other criminal activity, District Attorney William Fitzpatrick said. Their cases will be referred to the judge who granted them concealed-carry licenses in the first place, possibly leading to the revocation of their carry privileges.

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What's not likely to happen: otherwise legal gun owners ending up with a felony charge for simply carrying their gun where it's now not allowed, Fitzpatrick said.

The state's sweeping new gun-control measure, which took effect Thursday, makes virtually every public location presumptively a gun-free zone, other than public streets and a gun-owner's own home. Violation of the new law is supposed to be a felony that could carry a sentence of up to 4 years in prison.

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But Fitzpatrick's approach will lead to an automatic gun seizure, while leaving discretion on who to charge up to his office. Violators with a history of ignoring the new gun law, or those linked to domestic violence, for example, are at risk of facing criminal prosecution, he said.

The DA noted there's bound to be widespread confusion over which places are off-limits. Technically, walking on the sidewalk in front of a school with a gun is considered a felony. So is walking through downtown Syracuse's Clinton Square or Columbus Circle, both public parks where guns are always banned.

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In addition, a Syracuse-based federal judge on Wednesday wrote an opinion suggesting that the state's new law -- including the long list of prohibited locations -- was unconstitutional under the Second Amendment. That ruling, however, was not binding and so the law is in effect as written.

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Still, Fitzpatrick suggested, that ruling had an impact on how law enforcement will handle the new restrictions.

Law enforcement won't be proactively enforcing the new law by trying to catch legal gun-owners in prohibited locations, Syracuse Police Chief Joseph Cecile said.

"It will be complaint-driven," the chief said.

Manlius Police Chief Michael Crowell, president of the Onondaga County Chiefs of Police Association, attended a news conference Friday in support of the new policy, but declined comment.

Fitzpatrick, the Republican DA, slammed the new legislation passed by the state legislature, controlled by Democrats. The law was passed days after the U.S. Supreme Court's conservative majority overturned a state law that required a gun owner to explain a specific reason why he or she needed a handgun license (always concealed-carry in New York; open carry by civilians is illegal in all cases). The Second Amendment gives every law-abiding citizen a right to carry a gun for protection, Justice Clarence Thomas wrote in his opinion.

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Fitzpatrick said the new state law was poorly written. For example, it prohibits the longtime prosecutor from carrying a gun for protection into his own office, because it's a government building that is now always off-limits for guns by non-police officers.

Cecile declined to comment on his personal view of the law, but noted that very few violent crimes in Syracuse are caused by people with legal concealed-carry permits -- those targeted by the new law.

In the end, Cecile said, the compromise strikes a good balance between enforcing the law and not tying up resources that could be spent on more pressing issues.

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